United Nations A/HRC/WG.6/32/VNM/2

General Assembly

Distr.: General
15 November 2018

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-second session
21 January–1 February 2019

Compilation on Viet Nam

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The Committee on Economic, Social and Cultural Rights[3] and the Special Rapporteur on the right to food[4] encouraged Viet Nam to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

3. In 2015, the Committee on the Elimination of Discrimination against Women encouraged Viet Nam to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.[5]

4. The same Committee[6] and the United Nations country team[7] encouraged Viet Nam to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee encouraged Viet Nam to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.[8]

5. The same Committee recommended that Viet Nam consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[9] The Committee on Economic, Social and Cultural Rights invited Viet Nam to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[10]

6. The Committee on Economic, Social and Cultural Rights invited Viet Nam to ratify the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).[11]

GE.18-19440(E)
1819440

Please recycle

The United Nations country team recommended that Viet Nam ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Private Employment Agencies Convention, 1997 (No. 181) to protect the rights of migrant workers.[12]

7. The Committee on the Elimination of Discrimination against Women[13] and the Office of the United Nations High Commissioner for Refugees (UNHCR)[14] recommended that Viet Nam expedite its accession to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

8. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Viet Nam ratify the 1960 Convention against Discrimination in Education and, if necessary, seek the support of UNESCO in that process.[15]

9. The Working Group on Arbitrary Detention noted that during the universal periodic review of Viet Nam in February 2014, some 38 recommendations had been made on freedom of opinion and expression, of peaceful assembly and of association. Several of those recommendations had related specifically to the review of vague provisions on national security offences in the Penal Code, including article 88, the release of political prisoners, protection of human rights defenders and the need to implement the opinions of the Working Group.[16]

III. National human rights framework[17]

10. The Committee on Economic, Social and Cultural Rights[18] and the Special Rapporteur on food[19] called upon Viet Nam to expedite the process of establishing a national human rights institution, compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

11. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam enhance the implementation of the National Strategy on Gender Equality (2011–2020) by allocating the human, technical and financial resources necessary to ensure that gender equality was mainstreamed across all areas of government work.[20] The Committee on Economic, Social and Cultural Rights recommended that Viet Nam implement temporary special measures to achieve the objectives of women's representation in public administration, as set out in the 2011–2020 National Strategy on Gender Equality.[21]

12. The same Committee urged Viet Nam to review the restrictions to the exercise of economic, social and cultural rights, as provided for in article 14 (2) of the Constitution and its implementing regulations and legislation, to bring them into line with article 4 of the International Covenant on Economic, Social and Cultural Rights.[22] The Committee recommended that Viet Nam fully incorporate the provisions of the Covenant in domestic law.[23]

13. The ILO Committee of Experts on the Application of Conventions and Recommendations requested the Government to provide information on the progress achieved in elaborating and adopting a national strategy on child labour.[24] The United Nations country team recommended changing the definition of a child to a person aged below 18 years, in line with the Convention on the Rights of the Child.[25]

14. The United Nations country team recommended that Viet Nam take steps to develop a national action plan on business and human rights in 2019, which would include capacity-building of government officials to ensure that all business activity respected human rights through laws, policies, research, monitoring, awareness-raising and remedies.[26]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[27]

15. The Committee on Economic, Social and Cultural Rights[28] and UNESCO[29] recommended adopting a comprehensive anti-discrimination law defining, prohibiting and sanctioning discrimination on all grounds, and providing for the implementation of temporary special measures and remedies for victims.

16. UNESCO stated that Viet Nam should intensify efforts to combat and eliminate discrimination against vulnerable groups.[30]

17. The Committee on the Elimination of Discrimination against Women welcomed the inclusion of the principle of gender equality and the prohibition of discrimination based on sex in the 2013 Constitution.[31] It recommended adopting comprehensive measures to tackle the root causes of gender inequality and modifying entrenched discriminatory gender stereotypes and cultural beliefs that favoured men over women.[32]

18. The United Nations country team recommended that Viet Nam adopt the law on gender affirmation as soon as possible and ensure its consistency with international human rights standards to enable transgender persons to change their legal gender marker.[33]

2. Development, the environment, and business and human rights[34]

19. In February 2018, four special procedure mandate holders called for the release of individuals jailed for reporting and reacting to a discharge of toxic industrial chemicals into coastal waters off Viet Nam. They noted that authorities should have ensured that the economic expansion of Viet Nam did not affect human rights, in particular those of local communities and workers.[35]

20. The Committee on Economic, Social and Cultural Rights was concerned that laws and regulations governing land revocation and sedentarization fell short of international standards, and that individuals and communities affected by development programmes had not obtained fair compensation for seized lands or been adequately resettled. The Committee urged Viet Nam to guarantee the transparency of the processes, including by making information on compensation rates and places of resettlement available.[36] The Special Rapporteur in the field of cultural rights recommended that the cultural rights of the communities concerned be taken into consideration in planning and implementing development programmes.[37]

21. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam use expropriation of land only for public purposes defined under the law and with adequate compensation and reparation for affected women.[38]

B. Civil and political rights

1. Right to life, liberty and security of person[39]

22. The United Nations country team recommended that Viet Nam immediately impose a moratorium on executions and amend the Penal Code to further reduce the number of offences for which the death penalty could be imposed, with a view to abolishing the death penalty for all offences by 2023.[40]

23. The Working Group on Arbitrary Detention issued six opinions in which it considered that the appropriate remedy would be to immediately release the detained individuals concerned, and grant them an enforceable right to compensation or provide them with reparation.[41] In March 2017, five special procedure mandate holders urged the

Government to immediately release a blogger who had been detained incommunicado since October 2016, without access to a fair trial, legal counsel or family visits.[42]

24. The United Nations country team reported that as at May 2018, an estimated 100–150 human rights defenders were in prison. Defenders were allegedly harassed, attacked, arrested, detained and ill-treated in custody for criticizing the Government or its policies, including its management of an environmental disaster in April 2016. Between 2014 and 2017, more than 70 defenders had been arrested and detained for charges under broad provisions of the Penal Code.[43] The United Nations country team recommended that human rights defenders who had been sentenced to prison terms for peacefully expressing their views be released without delay.[44]

25. The United Nations country team recommended that Viet Nam set a firm timetable for closing all six compulsory drug detention and rehabilitation centres. It recommended that Viet Nam ensure that detainees were healthy, respect their due process and labour rights, and provide voluntary, evidence-based and rights-based health and social services in the community as alternatives to detention.[45]

2. Administration of justice, including impunity, and the rule of law[46]

26. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam enhance the implementation of relevant national laws that accorded priority to the judicial process rather than reconciliation and mediation for dispute resolution, including in cases of domestic violence and property disputes. The Committee also recommended raising awareness among community leaders, law enforcement officers, lawyers and the judiciary to ensure women's access to justice.[47]

27. The Committee on Economic, Social and Cultural Rights was concerned at the absence of effective remedies for victims of violations of economic, social and cultural rights. Moreover, it was concerned at reports of intimidation of and reprisals against individuals claiming violations of their rights, such as forced evictions or poor working conditions.[48]

28. The Office Committee urged Viet Nam to address the root causes of corruption and related impunity and to ensure that public affairs were conducted, in law and in practice, in a transparent manner. It recommended enforcing compliance with the legal provisions on the protection of the human rights of those engaged in anti-corruption activities, in particular victims, whistle-blowers, witnesses and their lawyers.[49]

3. Fundamental freedoms and the right to participate in public and political life[50]

29. Following his visit to Viet Nam in July 2014, the Special Rapporteur on freedom of religion or belief observed the relevance of the divide between urban and rural areas. The conditions of religious communities varied considerably according to different practices in different parts of the country. Moreover, policies at the central level had not always been efficiently communicated to the authorities at the local level.[51] The Special Rapporteur recommended prioritizing investigations into allegations of violations of freedom of religion or belief and other human rights, and effective legal recourse to allow victims whose freedom of religion or belief had been infringed upon to obtain redress and compensation.[52]

30. While noting that many representatives of religious communities had agreed that, in spite of ongoing serious problems, space for religious practices had increased in recent years, the Special Rapporteur also observed the frequent invocation of unspecified "majority interests" or interests of "national unity and harmony" or "public order".[53] The Special Rapporteur recommended that State officials and religious leaders refrain from publicly attacking independent religious groups, including through the media.[54]

31. In June 2016, two special procedure mandate holders stated that the Government had the obligation to respect the right of religious communities to organize themselves as independent communities and to appoint their own leaders. They urged the Vietnamese authorities to put an end to all persecution and harassment, including criminalization, of

religious leaders, human rights defenders, women's rights defenders and members of their families.[55]

32. In October 2016, the United Nations High Commissioner for Human Rights expressed concern about a growing trend in arbitrary arrests and detentions, intimidation, harassment and attacks against human rights defenders.[56] In July 2017, the High Commissioner for Human Rights urged the Vietnamese authorities to immediately release all those who had been detained in connection with the exercise of their rights to freedom of expression, and to amend broad and ill-defined laws that were used — under the pretext of national security — to crack down on dissent.[57]

33. In April 2018, three special procedure mandate holders urged Viet Nam not to crack down on civil society or stifle dissent after the jailing of human rights defenders for conducting activities to "overthrow the Government". They urged the authorities not to muzzle dissenting voices or stifle the people's rights to freedom of expression, peaceful assembly and association in violation of the country's obligations under international human rights law.[58]

34. The United Nations country team indicated that, while the 2013 Constitution protected freedom of expression, restrictions remained. The 2016 Press Law maintained the press under State management, and had expanded the list of prohibited acts, including vague and broad provisions such as distorting history, negating revolutionary achievements, and offending the nation and national heroes. The Press Law did not prescribe prison terms for defamation, but various other speech-related offences were subject to long jail terms under the revised Penal Code.[59] UNESCO recommended that the Government foster a more pluralistic and independent media environment in accordance with international standards.[60]

35. The Committee on Economic, Social and Cultural Rights was concerned that civil society could not operate independently and called upon Viet Nam to create an enabling environment for the free establishment and functioning of civil society organizations, and to provide protection against harassment, arrest and detention of human rights defenders, including by prosecuting those responsible for such acts.[61] The Committee on the Elimination of Discrimination against Women urged Viet Nam to investigate allegations of harassment, arbitrary arrests, detention and ill-treatment of women human rights defenders, prosecute those responsible and provide remedies to the victims.[62]

36. The Committee on Economic, Social and Cultural Rights was concerned at reports of arrests and detention of bloggers and urged Viet Nam to abolish censorship of cultural activities and other forms of expression, and to bring restrictions on freedom of expression into line with international standards, including by abolishing related prison sentences.[63] The United Nations country team recommended that Viet Nam amend the Law on Cybersecurity to ensure independent judicial review and full alignment with its human rights obligations, in particular on freedom of expression, peaceful assembly and the right to privacy.[64]

37. The Committee on the Elimination of Discrimination against Women was concerned about the low representation of women in decision-making positions at the national and local levels.[65] It recommended that Viet Nam consider establishing a quota for female candidates higher than 35 per cent for the elections to the National Assembly and the People's Council for 2016–2021, with the aim of achieving the target of 35 per cent for elected female deputies set in the National Strategy on Gender Equality (2011–2020).[66] After having examined the follow-up information sent by Viet Nam,[67] the Committee considered that the recommendation had been partially implemented.[68]

38. The Committee on Economic, Social and Cultural Rights noted with concern the strict conditions for the lawful exercise of the right to strike and the broad definition of "essential services", which restricted civil servants' right to strike.[69] Furthermore, the Committee called upon Viet Nam to bring its legislation on trade union rights into line with international standards on the right to form and join the trade union of one's choice.[70]

4. Prohibition of all forms of slavery[71]

39. The Committee on the Elimination of Discrimination against Women noted with concern that Viet Nam remained a source country for internal and cross-border trafficking in women and children for purposes of sexual and labour exploitation.[72]

40. The ILO Committee of Experts requested the Government to pursue its efforts to prevent and combat trafficking in persons and to provide information on measures taken in that regard; and to continue to provide information on measures to ensure that victims of trafficking were provided with appropriate protection and services.[73]

41. The Committee on the Elimination of Discrimination against Women noted with concern the increase in the number of trafficked girls and reports of trafficking in newborns.[74] The Committee recommended that Viet Nam take effective measures to eliminate the root causes of trafficking and prostitution, including poverty, in order to remove the vulnerability of women and girls to such exploitation.[75] It also recommended taking measures to prevent and eliminate child prostitution, and ensuring that perpetrators of child prostitution were prosecuted and punished and that girls in prostitution were not treated as offenders but as victims.[76] The ILO Committee of Experts made a similar request.[77]

5. Right to privacy and family life[78]

42. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam review the Law on Marriage and Family with a view to setting the same minimum age for marriage for women and men; and consider the situation of women in de facto unions, and of the children resulting from such unions, and take the measures necessary to ensure the protection of their economic rights, including upon the dissolution of their relationships.[79]

43. The Committee on Economic, Social and Cultural Rights recommended that Viet Nam develop affordable childcare services and introduce a system of paternity leave.[80]

C. Economic, social and cultural rights

44. The Special Rapporteur on cultural rights stated that Viet Nam had made remarkable progress towards realizing a range of economic, social and cultural rights. In particular, considerable efforts were under way to enlarge people's access to education and culture, including in rural areas and remote regions.[81] Challenges remained in the enjoyment of artistic freedom, owing to the multiplicity of regulations in the area of artistic expression and the maintenance of a system of prior and post censorship.[82] The Special Rapporteur recommended abolishing prior censorship in all fields of artistic creation, in particular cinema and literature,[83] and ending the system of government control over publishing. She also recommended authorizing independent private publishing houses, cinemas and visual art studios to operate without impediment and fear of harassment.[84]

45. The Committee on Economic, Social and Cultural Rights was concerned about the extent of corruption in Viet Nam and its adverse effect on the realization of economic, social and cultural rights.[85]

1. Right to work and to just and favourable conditions of work[86]

46. Three special procedure mandate holders expressed concern about reports that women workers at two electronics factories, as well as labour activists, had been subjected to intimidation and harassment after they had raised concerns about working conditions at the plants. They noted that both the government authorities and companies concerned must ensure the space for civil society to verify the conditions of women working in manufacturing facilities.[87]

47. The United Nations country team recommended that Viet Nam reform the Labour Code to ensure gender equality, non-discrimination, freedom of association, the right to organize and collective bargaining rights, as well as expanded legal protections for informal

workers.[88] The Committee on the Elimination of Discrimination against Women made a similar recommendation.[89] The United Nations country team also recommended that Viet Nam, in the forthcoming 2019 Labour Code revision, move towards equalizing the retirement ages for women and men and address gender-based occupational segregation.[90]

48. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam reduce the gender wage gap, including by addressing occupational segregation of women in the public and private sectors, and promoting women's access to higher-paid jobs and decision-making positions.[91]

49. The same Committee recommended that Viet Nam ensure access by older women and minority women, especially women from the Degar and Khmer Krom communities, to training opportunities, such as vocational training, and financial resources, such as income-generating projects, credit facilities and pension and social benefits schemes.[92]

50. The Committee on Economic, Social and Cultural Rights noted with concern that the youth unemployment rate remained high in Viet Nam. A majority of unemployed young people had been found to be untrained for the labour market, despite the existence of a system of vocational training.[93]

51. The same Committee was concerned at the persistence of poor working conditions in Viet Nam, exacerbated by the size of the informal economy and the limited capacity of labour inspection.[94] It recommended that Viet Nam continue efforts to ensure that the level of the minimum wage provided a decent living for workers and their families, and that mechanisms were in place for enforcing the legal provisions on fair wages and equal remuneration for work of equal value, and to reduce the vulnerability of workers in the informal economy to abuse.[95]

52. The United Nations country team recommended that Viet Nam revise its labour market policies, including access to lifelong learning, to improve access to employment for older persons.[96]

2. Right to social security[97]

53. The Committee on Economic, Social and Cultural Rights was concerned that unemployment insurance was only available to paid-up contributors, and recommended that Viet Nam take the necessary policy and legislative measures to promote access to unemployment insurance, including by putting in place non-contributory social assistance unemployment benefits.[98]

54. The same Committee was concerned at the overall situation of older persons in Viet Nam, as only a small number of them received either pension benefits or the older persons' allowance, the amount of which was below the poverty line. The Committee recommended that Viet Nam increase the amount of social allowance to enable an adequate standard of living for the recipients.[99]

3. Right to an adequate standard of living[100]

55. At the end of her mission to Viet Nam in November 2017, the Special Rapporteur on food stated that the development of Viet Nam over the past 30 years had been remarkable. Economic and political reforms launched in 1986 had transformed Viet Nam from one of the world's poorest nations to a middle-income country. That economic growth had facilitated dramatic reductions in poverty and hunger, with a great positive impact on food security. Nonetheless, progress had been uneven in relation to those people living in remote areas, particularly ethnic minority populations, who faced persistent poverty and inequalities compared with the circumstances of the majority of the population. The Special Rapporteur encouraged Viet Nam to establish a comprehensive legal framework on the right to adequate food, with clear guidelines on the implementation of that right.[101]

56. The United Nations country team reported that Viet Nam had made significant progress in poverty reduction and the eradication of hunger. Generally, the lives of people in poor districts and access to public services and resources had improved. Nonetheless, around 70 per cent of people aged between 60 and 79 years old still did not receive income support from government schemes.[102] New forms of urban poverty had emerged among

migrants and informal sector workers due to rapid urbanization and social change.[103] High levels of chronic poverty persisted among ethnic minorities, older persons and non-registered migrants.[104]

57. The Committee on Economic, Social and Cultural Rights noted with concern the regional disparities in the enjoyment of the right to an adequate standard of living: those living in rural areas and ethnic minorities in remote and mountainous areas were particularly disadvantaged.[105]

58. The same Committee recommended that Viet Nam allocate more resources for the provision of safe water and improved sanitation, particularly in rural areas; ensure that costs associated with securing safe water and improved sanitation were affordable; and enforce regulations on water treatment in industrial zones, and take measures to protect water sources from contamination.[106]

4. Right to health[107]

59. The Committee on the Elimination of Discrimination against Women noted with concern the imbalance of the sex ratio at birth arising from a strong preference for male offspring, and recommended that Viet Nam take measures to prevent sex selection of fetuses.[108] The United Nations country team made a similar recommendation.[109]

60. The same Committee recommended that Viet Nam enhance efforts to reduce maternal mortality in rural areas and among women from ethnic minorities, which remained high in rural and mountainous areas and among ethnic minority women, by improving their access to basic prenatal and antenatal care, emergency obstetric care and the presence of skilled attendants at births.[110]

61. The same Committee noted with concern the high abortion rate among adolescents and recommended that Viet Nam ensure access to free, age-appropriate and high-quality information on sexual and reproductive health and to affordable family planning services and contraceptives. Decisions regarding sterilization and the use of contraceptives should be made based on the informed consent and voluntary will of the women and girls concerned.[111]

62. The Committee on Economic, Social and Cultural Rights was concerned that, in spite of the progress achieved in expanding enrolment in health insurance, its low coverage among workers in the informal economy impeded access to health care among disadvantaged and marginalized groups. The Committee also noted with concern the limited availability of quality health-care services, particularly in remote areas.[112]

5. Right to education[113]

63. The Special Rapporteur on cultural rights recommended that steps be taken to ensure a multicultural environment in schools, including boarding schools, and the development of adequate teaching materials reflecting the diversity of the population, its cultural heritage and history. Such programmes should be developed in cooperation with relevant communities.[114]

64. The Committee on Economic, Social and Cultural Rights recommended that Viet Nam adequately plan educational personnel needs; increase investment in early education for ethnic minority children and children living in remote areas; improve the system for tracking child dropouts and their reintegration in school; implement mother tongue-based bilingual education approaches; and strengthen the decentralized management of education.[115]

65. The Committee on the Elimination of Discrimination against Women noted with concern that discriminatory gender biases and stereotypes were perpetuated in education materials, girls were segregated in traditional fields of study and girls belonging to ethnic minorities had limited access to all levels of education.[116] The Committee on Economic, Social and Cultural Rights recommended removing gender biases and stereotypes in school materials.[117]

66. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam reduce illiteracy and school dropout rates and increase access to secondary and tertiary levels of education among girls belonging to ethnic minorities, including through the provision of bilingual education and scholarships and subsidies.[118]

67. The United Nations country team recommended that Viet Nam accelerate access to quality education, especially for people from disadvantaged and vulnerable backgrounds, including by investing in facilities and teaching and learning aids for children with disabilities.[119]

D. Rights of specific persons or groups

1. Women[120]

68. The United Nations country team stated that overall, Viet Nam had made significant progress in closing gender gaps in areas such as health and education. However, there was a lack of effective coordination and resources for implementation, as well as weak data collection and monitoring.[121]

69. The Committee on the Elimination of Discrimination against Women was concerned about the prevalence of violence against women and girls, including dating violence, violence in public spaces and workplace sexual harassment, as well as against older women and women in prostitution.[122] It recommended that Viet Nam review its legislation with a view to decriminalizing women in prostitution.[123] The Committee also recommended that Viet Nam revise the Penal Code and the Criminal Procedure Code and criminalize all forms of violence against women, including marital rape, dating violence, violence in public spaces and sexual harassment.[124] After having examined the follow-up information sent by Viet Nam,[125] the Committee considered that the recommendation had been partially implemented.[126]

70. The same Committee recommended that Viet Nam encourage women to report cases of violence and abuse by destigmatizing victims and raising awareness about the criminal nature of such acts, and ensure that all reported cases were effectively investigated and that perpetrators were prosecuted and adequately punished.[127]

71. The same Committee recommended that Viet Nam develop, as a matter of priority, a national plan of action to prevent and respond to all forms of violence against women and allocate sufficient human, technical and financial resources for its effective implementation.[128] After having examined the follow-up information sent by Viet Nam,[129] the Committee considered that the recommendation had been partially implemented.[130]

72. The United Nations country team indicated that Viet Nam had made efforts to reduce gender-based violence and domestic violence; nonetheless, too much emphasis on mediation remained. Preserving "family harmony" remained a key factor, making women hesitant to report domestic violence.[131] The Committee on the Elimination of Discrimination against Women recommended that Viet Nam review the use of reconciliation and ensure that women who were victims of domestic violence had effective access to protection orders and legal remedies.[132]

73. The same Committee was concerned that women's economic empowerment had not been mainstreamed into the overall development strategies of Viet Nam, and that most women in the agricultural and informal sectors, older women and minority women had limited access to social protection, training opportunities and financial resources compared with men.[133] The United Nations country team recommended that Viet Nam take measures to ensure ethnic minority women were well represented at all levels of decision-making.[134]

74. The Committee on Economic, Social and Cultural Rights recommended that Viet Nam amend all legislative provisions that were discriminatory against women, such as those in the Law on Marriage and Family, and those relating to the different retirement ages for men and women.[135]

2. Children[136]

75. The ILO Committee of Experts requested the Government to provide concrete information on the number of child victims of trafficking who had been provided with assistance and education or vocational training.[137] The Committee on Economic, Social and Cultural Rights recommended that Viet Nam recognize and register children of returned marriage immigrants who were stateless, and ensure that they received education, health care and other social services.[138]

76. The ILO Committee of Experts urged the Government to intensify its efforts to ensure the elimination of child labour and to take practical measures to strengthen the capacity and expand the reach of the labour inspectorate in its action to prevent and combat child labour, particularly in the informal economy.[139] The Committee on Economic, Social and Cultural Rights noted with concern that economic exploitation of children remained widespread. It recommended that Viet Nam eradicate the economic exploitation of children and bring provisions on permissible work for children into line with international standards.[140]

3. Persons with disabilities[141]

77. The United Nations country team noted that challenges remained in implementing policies and laws in accordance with the Convention on the Rights of Persons with Disabilities, including infrastructure, human resources and access to services such as rehabilitation at the district and community levels.[142] A general lack of knowledge on the rights of persons with disabilities among government officials and a lack of mechanisms to hold government agencies accountable were key challenges.[143] The United Nations country team recommended that Viet Nam amend the Law on Persons with Disabilities to align it with the Convention, in particular on the definition of disability.[144]

78. The Committee on Economic, Social and Cultural Rights noted with concern that persons with disabilities were discriminated against in the enjoyment of several rights, such as the right to education and the right to work, in spite of the adoption of the 2010 Law on Persons with Disabilities. The Committee recommended that Viet Nam allocate sufficient resources for the implementation of the 2012–2020 National Action Plan on Disability, especially with regard to accessibility and the provision of reasonable accommodation, particularly in rural areas.[145]

79. The ILO Committee of Experts requested the Government to provide information regarding measures taken to implement section 8 (1) of the Labour Code of 2012, the 2010 Law on Persons with Disabilities and the 2012–2020 National Action Plan on Disability, to ensure equality of opportunity and treatment in employment and occupation, including measures taken to allocate sufficient resources to actively recruit persons with disabilities in the public sector and reinstate the quota system, including in the private sector.[146]

4. Minorities and indigenous peoples[147]

80. The Committee on Economic, Social and Cultural Rights recommended that Viet Nam respect the right of everyone, alone or in association with others or as a community, to choose his or her identity, including the right to identify as belonging to an indigenous people, and adopt a statutory law governing the recognition of ethnic minorities and indigenous peoples and guaranteeing their rights.[148]

81. The same Committee urged Viet Nam to ensure, in law and in practice, the free, prior and informed consent of ethnic minorities on decisions that affected them, and provide legal assistance in that regard.[149] It recommended ensuring that ethnic minorities were fully involved in decision-making processes regarding the economic exploitation of their cultural heritage and that they obtained tangible benefits from those activities.[150]

82. UNESCO stated that Viet Nam should be encouraged to take necessary measures to ensure that children from minority groups were provided with quality education, including through the implementation of mother tongue-based bilingual education approaches for children of ethnic minorities.[151]

83. The United Nations country team recommended that Viet Nam enhance targeted interventions to address the particular needs of ethnic minority women and men, girls and boys, through improved investment in literacy, education and vocational training.[152]

5. Migrants, refugees, asylum seekers and internally displaced persons[153]

84. The Committee on Economic, Social and Cultural Rights recommended that Viet Nam broaden the scope of the Law on Vietnamese People Working Abroad under Contracts to include those who emigrated under individual contracts or irregularly.[154]

85. The Committee on the Elimination of Discrimination against Women was concerned that internal migrant workers, including women and girls, faced barriers in gaining access to basic social services, that women and girls, especially women domestic workers, were at a high risk of sexual and labour exploitation, and that migrant women who were victims of exploitation and violence faced barriers in filing complaints and gaining access to justice.[155]

86. The same Committee recommended that Viet Nam ensure that internal migrants and their families, including those not registered in the household registration system, enjoyed all the rights guaranteed to all Vietnamese citizens, and that it strengthen the inspection of workplaces, including private households.[156]

87. The Committee on Economic, Social and Cultural Rights urged Viet Nam to ensure that change of residence did not affect the enjoyment of economic, social and cultural rights. In particular, the Committee recommended immediately lifting the requirement of residential registration for accessing social benefits, housing, services such as water and sanitation, and school registration.[157]

88. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam adopt legislation and effective procedures for granting asylum and refugee status and provide protection on grounds of gender-based persecution.[158]

6. Stateless persons

89. While noting that Viet Nam was providing leadership on the prevention and reduction of statelessness in the region, UNHCR recommended undertaking a thorough analysis of its legal framework, with a view to implementing reforms to guarantee the right to a nationality and to provide safeguards to prevent statelessness occurring among children. Viet Nam should continue collaborating with UNHCR to enhance its technical capacity to identify and protect stateless persons.[159]

90. The Committee on the Elimination of Discrimination against Women recommended that Viet Nam continue to facilitate the reduction of statelessness, in particular the reacquisition of Vietnamese nationality by women who had become stateless by renouncing that nationality.[160]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Viet Nam will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/VNIndex.aspx.
[2] For relevant recommendations, see A/HRC/26/6, paras. 143.1–143.30.
[3] E/C.12/VNM/CO/2-4, para. 36.
[4] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22439&LangID=E.
[5] CEDAW/C/VNM/CO/7-8, para. 44.
[6] Ibid., para. 48.
[7] United Nations country team submission for the universal periodic review of Viet Nam, para. 86.
[8] CEDAW/C/VNM/CO/7-8, para. 48.
[9] Ibid., para. 31.
[10] E/C.12/VNM/CO/2-4, para. 33.
[11] Ibid., para. 21.
[12] United Nations country team submission, para. 86.
[13] CEDAW/C/VNM/CO/7-8, para. 39.
[14] UNHCR submission for the universal periodic review of Viet Nam, p. 3.

[15] UNESCO submission for the universal periodic review of Viet Nam, p. 6.
[16] A/HRC/WGAD/2017/27, para. 38.
[17] For relevant recommendations, see A/HRC/26/6, paras. 143.31–143.46, 143.51–143.53, 143.66–143.76, 143.78–143.79 and 143.173–143.174.
[18] E/C.12/VNM/CO/2-4, para. 10.
[19] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22439&LangID=E.
[20] CEDAW/C/VNM/CO/7-8, para. 13.
[21] E/C.12/VNM/CO/2-4, para. 16.
[22] Ibid., para. 8.
[23] Ibid., para. 7.
[24] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294476:NO.
[25] United Nations country team submission, para. 62.
[26] Ibid., para. 92.
[27] For relevant recommendations, see A/HRC/26/6, paras. 143.86 and 143.88.
[28] E/C.12/VNM/CO/2-4, para. 13.
[29] UNESCO submission, p. 6.
[30] Ibid., p. 6.
[31] CEDAW/C/VNM/CO/7-8, para. 8.
[32] Ibid., para. 17.
[33] United Nations country team submission, para. 77.
[34] For relevant recommendations, see A/HRC/26/6, paras. 143.77, 143.216–143.218 and 143.226–143.227.
[35] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22696&LangID=E. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21815&LangID=E.
[36] E/C.12/VNM/CO/2-4, para. 29.
[37] A/HRC/28/57/Add.1, para. 109.
[38] CEDAW/C/VNM/CO/7-8, para. 37.
[39] For relevant recommendations, see A/HRC/26/6, paras. 143.89–143.118 and 143.136–143.137.
[40] United Nations country team submission, para. 9.
[41] A/HRC/WGAD/2015/45, para. 26, A/HRC/WGAD/2015/46, para. 37, A/HRC/WGAD/2016/40, para. 47, A/HRC/WGAD/2017/26, para. 71, A/HRC/WGAD/2017/27, para. 54 and A/HRC/WGAD/2017/79, para. 75.
[42] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21318&LangID=E.
[43] United Nations country team submission, para. 7.
[44] Ibid., para. 10.
[45] Ibid., para. 13.
[46] For relevant recommendations, see A/HRC/26/6, paras. 143.50 and 143.127–143.135.
[47] CEDAW/C/VNM/CO/7-8, paras. 10–11.
[48] E/C.12/VNM/CO/2-4, para. 9.
[49] Ibid., para. 12.
[50] For relevant recommendations, see A/HRC/26/6, paras. 143.139–143.172, 143.175–143.179 and 143.219.
[51] A/HRC/28/66/Add.2, para. 79.
[52] Ibid., para. 83 (i) and (k).
[53] Ibid., paras. 76 and 81.
[54] Ibid., para. 83 (j).
[55] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E.
[56] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20679&LangID=E.
[57] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21921&LangID=E.
[58] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22937&LangID=E.
[59] United Nations country team submission, para. 18.
[60] UNESCO submission, p. 7.
[61] E/C.12/VNM/CO/2-4, para. 11.
[62] CEDAW/C/VNM/CO/7-8, para. 25.
[63] E/C.12/VNM/CO/2-4, para. 35.
[64] United Nations country team submission, para. 22.
[65] CEDAW/C/VNM/CO/7-8, para. 22.
[66] Ibid., para. 23.
[67] CEDAW/C/VNM/CO/7-8/Add.1, paras. 16–18.
[68] Letter dated 5 September 2018 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Representative of Viet Nam to the United Nations Office and other international organizations in Geneva. Available from

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/VNM/INT_CEDAW_FUL_VNM_32313_E.pdf.

[69] E/C.12/VNM/CO/2-4, para. 20.
[70] Ibid., para. 21.
[71] For relevant recommendations, see A/HRC/26/6, paras. 143.122–143.126.
[72] CEDAW/C/VNM/CO/7-8, para. 20.
[73] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3296201:NO.
[74] CEDAW/C/VNM/CO/7-8, para. 20.
[75] Ibid., para. 21.
[76] Ibid.
[77] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294553:NO.
[78] For the relevant recommendation, see A/HRC/26/6, para. 143.138.
[79] CEDAW/C/VNM/CO/7-8, para. 41.
[80] E/C.12/VNM/CO/2-4, para. 16.
[81] A/HRC/28/57/Add.1, para. 99.
[82] Ibid., para. 106.
[83] Ibid., para. 108 (b).
[84] Ibid., para. 108 (d).
[85] E/C.12/VNM/CO/2-4, para. 12.
[86] For relevant recommendations, see A/HRC/26/6, paras. 143.180–143.181.
[87] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22852&LangID=E.
[88] United Nations country team submission, para. 29.
[89] CEDAW/C/VNM/CO/7-8, para. 9.
[90] United Nations country team submission, para. 51.
[91] CEDAW/C/VNM/CO/7-8, para. 29.
[92] Ibid., para. 35.
[93] E/C.12/VNM/CO/2-4, para. 17.
[94] Ibid., para. 18.
[95] Ibid.
[96] United Nations country team submission, para. 90.
[97] For relevant recommendations, see A/HRC/26/6, paras. 143.182–143.186.
[98] E/C.12/VNM/CO/2-4, para. 23.
[99] Ibid., para. 24.
[100] For relevant recommendations, see A/HRC/26/6, paras. 143.57, 143.187–143.190, 143.220–143.223 and 143.225.
[101] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22439&LangID=E.
[102] United Nations country team submission, para. 30.
[103] Ibid., para. 32.
[104] Ibid., para. 31.
[105] E/C.12/VNM/CO/2-4, para. 28.
[106] Ibid., para. 31.
[107] For relevant recommendations, see A/HRC/26/6, paras. 143.191–143.192.
[108] CEDAW/C/VNM/CO/7-8, paras. 32–33.
[109] United Nations country team submission, para. 59.
[110] CEDAW/C/VNM/CO/7-8, paras. 32–33. See also United Nations country team submission, para. 36.
[111] CEDAW/C/VNM/CO/7-8, paras. 32–33.
[112] E/C.12/VNM/CO/2-4, para. 22.
[113] For relevant recommendations, see A/HRC/26/6, paras. 143.58–143.65, 143.193–143.204 and 143.224.
[114] A/HRC/28/57/Add.1, para. 118.
[115] E/C.12/VNM/CO/2-4, para. 32.
[116] CEDAW/C/VNM/CO/7-8, para. 26.
[117] E/C.12/VNM/CO/2-4, para. 16.
[118] CEDAW/C/VNM/CO/7-8, para. 27.
[119] United Nations country team submission, para. 42.
[120] For relevant recommendations, see A/HRC/26/6, paras. 143.80–143.85, 143.87 and 143.119.
[121] United Nations country team submission, para. 47.
[122] CEDAW/C/VNM/CO/7-8, para. 18.
[123] Ibid., para. 21.
[124] Ibid., para. 19.
[125] CEDAW/C/VNM/CO/7-8/Add.1.

[126] Letter dated 5 September 2018 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Representative of Viet Nam to the United Nations Office and other international organizations in Geneva. Available from https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/VNM/INT_CEDAW_FUL_VNM_32313_E.pdf.
[127] CEDAW/C/VNM/CO/7-8, para. 19.
[128] Ibid., para. 19.
[129] CEDAW/C/VNM/CO/7-8/Add.1.
[130] Letter dated 5 September 2018 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Representative of Viet Nam to the United Nations Office and other international organizations in Geneva. Available from https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/VNM/INT_CEDAW_FUL_VNM_32313_E.pdf.
[131] United Nations country team submission, para. 53.
[132] CEDAW/C/VNM/CO/7-8, para. 19.
[133] Ibid., para. 34.
[134] United Nations country team submission, para. 52.
[135] E/C.12/VNM/CO/2-4, para. 16.
[136] For relevant recommendations, see A/HRC/26/6, paras. 143.47–143.49, 143.54–143.56 and 143.120–143.121.
[137] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294476:NO.
[138] E/C.12/VNM/CO/2-4, para. 26.
[139] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294273:NO.
[140] E/C.12/VNM/CO/2-4, para. 27.
[141] For relevant recommendations, see A/HRC/26/6, paras. 143.205–143.206.
[142] United Nations country team submission, para. 65.
[143] Ibid., para. 67.
[144] Ibid., para. 69.
[145] E/C.12/VNM/CO/2-4, para. 15.
[146] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339514:NO.
[147] For relevant recommendations, see A/HRC/26/6, paras. 143.207–143.214.
[148] E/C.12/VNM/CO/2-4, para. 33.
[149] Ibid., para. 29.
[150] Ibid., para. 34.
[151] UNESCO submission, p. 6.
[152] United Nations country team submission, para. 73.
[153] For the relevant recommendation, see A/HRC/26/6, para. 143.215.
[154] E/C.12/VNM/CO/2-4, para. 19.
[155] CEDAW/C/VNM/CO/7-8, para. 30.
[156] Ibid., para. 31.
[157] E/C.12/VNM/CO/2-4, para. 14.
[158] CEDAW/C/VNM/CO/7-8, para. 39.
[159] UNHCR submission, pp. 2–4.
[160] CEDAW/C/VNM/CO/7-8, para. 39.